



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	Examiner: Wegert, Sandra L.
	)	
David BOTSTEIN, et al.	)	Art Unit: 1647
	)	
Application Serial No. 09/997,628	)	Confirmation No. 7410
	)	
Filed: November 15, 2001	)	Attorney's Docket No. 39780-2730 P1C30
	)	
For: <b>SECRETED AND TRANSMEMBRANE</b>	)	<b>Customer No. 35489</b>
<b>POLYPEPTIDES AND NUCLEIC</b>	)	
<b>ACIDS ENCODING THE SAME</b>	)	

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**PRELIMINARY AMENDMENT**

**MAIL STOP RCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

On November 18, 2004, the Examiner made a final rejection to pending Claims 119-123. A Notice of Appeal was filed on January 20, 2005, and Applicants' Appeal Brief was filed August 22, 2005. An amended Appeal Brief was filed on November 15, 2005 and a second Notice of non-compliance was mailed on February 7, 2006 by the PTO.

Applicants submit herewith a Preliminary Amendment, which accompanies a Request for Continued Examination under 37 C.F.R. §1.114 for the above identified application, with a request for four-months of extension of time with necessary fees. Applicants' arguments presented in the previously filed Appeal Brief are incorporated herewith in their entirety.

This Preliminary Amendment is concurrently filed with an Information Disclosure Statement with additional references in support of the Applicants' arguments and with the submission of a new Declaration under 37 C.F.R. §1.132 by Dr. Paul Polakis with Exhibits A and B. Entry of these documents and consideration of the following arguments is respectfully requested.

**Remarks/Arguments** begin on page 2 of this paper.